



Order Filed on August 5, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with
D.N.J.LBR 9004-1**

STEWART LEGAL GROUP, P.L.

Formed in the State of Florida

Gavin N. Stewart, Esq.

Of Counsel to Bonial & Associates, P.C.

401 East Jackson Street, Suite 2340

Tampa, FL 33602

Tel: 813-371-1231/Fax: 813-371-1232

E-mail: gavin@stewartlegalgroup.com

Attorney for Secured Creditor

In re:

Scott Berchin and
Malgorzata Berchin,

Debtors.

Chapter: 13

Case No.: 18-34522

Hearing: July 23, 2020

Judge: John K Sherwood

CONSENT ORDER RESOLVING CERTIFICATION OF DEFAULT

The relief set forth on the following page is hereby **ORDERED**.

DATED: August 5, 2020

A handwritten signature in black ink, appearing to read "J K Sherwood", written over a horizontal line.

Honorable John K. Sherwood
United States Bankruptcy Court

Debtor: Scott Berchin and Malgorzata Berchin
Case No.: 18-34522-JKS
Caption of Order: **CONSENT ORDER RESOLVING CERTIFICATION OF
DEFAULT**

THIS MATTER having been opened to the Court upon the Certification of Default (“COD”) filed by Specialized Loan Servicing, LLC, as servicing agent for Banc of America Funding Corporation 2007-4, U.S. Bank National Association, as Trustee (“Creditor”), and whereas the post-petition arrearage was \$2,411.39 as of July 9, 2020, whereas the Debtors and Creditor agreed to a Forbearance Plan (Doc. No. 54) and whereas Debtors and Creditor seek to resolve the COD, it is hereby **ORDERED**:

1. The automatic stay provided under 11 U.S.C. §362(a) shall remain in effect as to Creditor’s interest in the following property: **125 Highland Trail, Township of Denville, NJ 07834** (“Property”) provided that the Debtors comply with the following:

- a. On or before September 1, 2020, the Debtors shall file a modified plan providing for the curing all arrearages then due;
- b. The Debtors shall resume making the regular contractual monthly payments directly to Creditor as each becomes due, beginning with the September 1, 2020 payment and continuing thereon per the terms of the underlying loan; and
- c. Remain current on all post-petition payment obligations, as well as all payments being paid through the Chapter 13 Plan.

2. The Debtor will be in default under the Consent Order in the event that the Debtors fail to comply with the payment terms and conditions set forth in above Paragraph and/or if the Debtors fail to make any payment due to Creditor under the Chapter 13 Plan.

3. If the Debtors fail to cure the default within thirty (30) days from the date of default, Creditor may submit a Certificate of Default to the Court on fourteen (14) days’ notice to counsel

for Debtors and the Chapter 13 Trustee for an order lifting the automatic stay imposed under 11 U.S.C. §362(a) permitting Creditor to exercise any rights under the loan documents with respect to the Property.

STIPULATED AND AGREED:

/s/Scott J. Goldstein
Scott J. Goldstein
Law Offices of Scott J. Goldstein, LLC
280 West Main Street
Denville, NJ 07834
Counsel to Debtor

/s/ Gavin N. Stewart
Gavin N. Stewart
Stewart Legal Group, P.L.
401 East Jackson Street, Suite 2340
Tampa, FL 33602
Counsel to Creditor

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New Jersey

In re:
Scott Berchin
Malgorzata Berchin
Debtors

Case No. 18-34522-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 05, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 07, 2020.

db/jdb Scott Berchin, Malgorzata Berchin, 125 Highland Trl, Denville, NJ 07834-2011

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 07, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 5, 2020 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA FUNDING CORPORATION 2007-4 bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor Banc of America Funding Corporation 2007-4, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA FUNDING CORPORATION 2007-4 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Gavin Stewart on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com
Jason Brett Schwartz on behalf of Creditor Capital One Auto Finance jschwartz@mesterschwartz.com
Kevin Gordon McDonald on behalf of Creditor Banc of America Funding Corporation 2007-4, U.S. Bank National Association, as Trustee kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Scott J. Goldstein on behalf of Debtor Scott Berchin sjg@sgoldsteinlaw.com, cmecf.sgoldsteinlaw@gmail.com;notices@uprightlaw.com;G31979@notify.cincompass.com
Scott J. Goldstein on behalf of Joint Debtor Malgorzata Berchin sjg@sgoldsteinlaw.com, cmecf.sgoldsteinlaw@gmail.com;notices@uprightlaw.com;G31979@notify.cincompass.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10